



## EQUAL EMPLOYMENT PRACTICES COMMISSION

City of New York

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December 5, 2011

Honorable Charles J. Hynes  
Kings County District Attorney  
350 Jay Street  
Brooklyn, NY 11201

Re: Final Determination Pursuant to the Audit of Compliance by the Kings County District Attorney's Office (DAKC) with its Equal Employment Opportunity Policy from July 1, 2007 through June 30, 2010.

Dear District Attorney Hynes:

Thank you for your November 22, 2011 Response to our November 10, 2011 Letter of Preliminary Determination signed by Chief Assistant Amy Feinstein.

After reviewing your response, our Final Determination is as follows:

### **Agree**

We agree with your responses to the following EEPIC recommendations, pending documentation that can be attached to your reply or provided during the compliance period:

#### Recommendation #1

It is the EEPIC's position that in order for an agency to demonstrate it has a meaningful and responsive procedure for investigating discrimination complaints, as required by City Human Rights Law, the agency's complaint procedure should require written communication of the conclusion of the complaint investigation to the parties involved. Therefore, the agency should revise its complaint procedure to require that the complainant and respondent be informed in writing of the outcome of the complaint investigation. (Adm. Code, Sect. 8-107.13; EEPIC/Sect. 831, City Charter)

Recommendation #2

Because the agency head is responsible for the administration of EEO in the agency, the agency should revise its complaint procedure to require that the agency head sign-off (in electronic or written form) on each Investigative Report to indicate that it has been reviewed and adopted. (EEPC/Sect. 831, City Charter)

Recommendation #3

Since the *Guidelines for Evaluating Managerial Performance in NYC Agencies* require that managerial employees receive annual performance evaluations, the agency should develop a plan, which includes a timetable, to evaluate managerial employees annually. (EEPC/Sect.831, City Charter)

Recommendation #4

Because the EEO Officer should report directly to the agency head or a direct report, the DAKC should revise its organization chart to reflect this reporting relationship. (EEPC/Sect. 831, City Charter)

Recommendation #5

To ensure that all employees are aware of the person responsible for handling reasonable accommodation requests and ensuring compliance with all federal, state, and local laws, as well as City and agency policies, pertaining to persons with disabilities, the agency should distribute to all employees in writing the name, location, and telephone number of this person. (EEPC/Sect. 831, City Charter)

Recommendation #6


Because EEO representatives should be trained in federal, state, and city EEO laws and procedures and know how to carry out their responsibilities under the agency's EEOP, the EEO Officer should attend the next available DCAS training session for EEO professionals or enroll in training conducted by another appropriate agency or school. The EEO Officer should obtain a certificate of completion. (EEPC/Sect. 831, City Charter)

**Conclusion**

Pursuant to section 832 of the New York City Charter, this Commission will initiate an audit compliance procedure not to exceed six months; you may respond to this letter prior to the initiation of audit compliance. If you choose to issue a written response, please do so within thirty days. If you choose not to issue a written response, we will initiate audit compliance shortly thereafter. EEPC Counsel Judith Quiñonez or her designee will contact your EEO Officer in seven days to ascertain your intentions.

In closing, we want to thank you and your staff for your cooperation during the audit process. We look forward to a mutually satisfactory compliance process.

Sincerely,

  
Abraham May, Jr.  
Executive Director

C: Judith Quiñonez  
Amy Feinstein, Chief Assistant  
Diane Mallone, EEO Officer